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### **Orange County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency  
Department of Pesticide Regulation  
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Sacramento, California 95814**

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## **Performance Evaluation of the Orange County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides a performance evaluation of Orange County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2006-2007 (FY 06/07). The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium. Most workload numbers in this summary are derived from the county's annual totals on their Pesticide Regulatory Activities Monthly Reports (PRAMR) submitted to DPR. Additional structural Branch 1 compliance monitoring activities were also conducted as part of the industry-funded Structural Fumigation Enforcement Program.

### **I. Summary Report of Core Program Elements**

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards.

### **Summary Statement:**

Orange CAC's pesticide use program was effective.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance – Effective**

The Orange CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations, including the determination of whether feasible alternatives existed or were required. The inspectors that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The CAC issued 203 agricultural permits, 7 non-agricultural permits, and 20 operator identification numbers during FY 06/07.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law;
- Permit amendments followed approved procedures.

## **2) Site Evaluation – Effective**

CAC staff reviewed 3,949 Notices of Intent (NOI) during FY 06/07. The CAC gives the highest priority in pre-site evaluation inspections and other associated site-monitoring activities to applications involving fumigants, other Category I pesticides, and restricted material applications near sensitive sites. The Orange CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations.

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses;
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent in a timely manner and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

## **B) Compliance Monitoring:**

### **1) Inspections – Effective**

Orange CAC's three-year work plan had estimated 15,500 hours of staff time per year would be devoted to pesticide use enforcement core program activities. During FY 06/07, staffing shortages resulted in the county only having about 11,200 hours (72% of the projected) available for all their pesticide use enforcement program activities, resulting in some agricultural inspection goals not being met.

In addition to all other types of use monitoring, storage, and various records inspections normally performed by counties and reported on the PRAMR to DPR, the Orange CAC program conducts additional structural fumigation (Branch 1) use monitoring, records, and storage inspections as part of their participation in the Structural Fumigation Enforcement Program (SFEP). During FY 06/07 the CAC performed a total of 386 inspections for their agricultural enforcement program and 461 structural inspections (including Branch 1, 2, and 3) reported on the PRAMR to DPR as part of their structural enforcement program. Orange CAC conducted an additional 801 "complete" structural Branch 1 fumigation use monitoring inspections and 913 "partial" inspections for their SFEP program activities.

Orange CAC inspection procedures were evaluated through DPR oversight inspections and record reviews and found to conform to DPR standards and expectations. Inspectors that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC's

enforcement work plan. Inspections are performed according to DPR policies and procedures; inspections reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC staff were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations;
- Include appropriate follow-up inspections and procedures.

## **2) Investigations – Effective**

The Orange CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. CAC staff investigated a total of approximately 42 investigations (DPR WH&S assigned and other complaints) during FY 06/07. Four (**4**) of these investigations met U.S. EPA priority criteria. The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and/or notifies DPR and other agencies, as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

## **C) Enforcement Response: – Effective**

The Orange CAC enforcement response was evaluated through observation, record reviews, and interviews of relevant staff and was found to conform to DPR standards and expectations. The CAC took 11 Agricultural Civil Penalty (ACP) actions and 70 Structural Civil Penalty (SCP) actions in FY 06/07, and a total of 191 compliance actions (Notice of Violation, Warning Letters, etc).

The CAC's enforcement program was found to:

- Initiate appropriate action when violations are identified;
- Sufficiently support compliance, enforcement, and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action, or when initiating a private applicator certification or registration refusal/revocation.

## **III. Recommended Corrective Actions**

No corrective actions are currently needed.

## **IV. Non-Core and Desirable Activities**

### **Outreach and Training**

- Orange CAC performs training and/or outreach throughout the year to the regulated industry through their participation in the SFEP program committee, and through giving presentations at industry association meetings to structural licensees and other certified applicators.

- Orange CAC also contributed staff time to the DPR-SPCB structural training session for new southern region CAC inspectors and managers in May 2007.